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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/003,000 | 01/05/1998 | DAVID M. SIEFERT | 6118.02 | 8465 |

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| EXAMINER |
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RIMELL, SAMUEL G

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| ART UNIT | PAPER NUMBER |
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2175

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/003,000

Applicant(s)

SIEFERT, DAVID M.

Examiner

Sam Rimell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 16-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____


SAM RIMELL
PRIMARY EXAMINER

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 18 states that the teaching strategies include "information on the learner's knowledge of structure of organized information which give meaning and context to the topic." The teaching strategies are part of the learner's profile. The disclosure at page 22 states that these features are described in "The Conditions of Learning" by Gagne, but does not state that this information is actually stored in the learner's profile, which is what the claim requires.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 16, 17, 19, 20 and 22 are rejected under 35 U.S.C. 102(a) as being anticipated by Lee (WO 93/16454).

Claim 16: Lee discloses a plurality of computers (10, 40, 44) which form a LAN system. The system stores a plurality of materials on different topics, as well as profiles of learners. The LAN forms a communications link with a data channel that connects students at workstations (10) to a teacher's workstation (40). The profiles of learners are stored in the system. These

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profiles include the learner's curriculum ("homework assignments", page 8, line 29); teaching strategies ("how much and what type of material each student can access", page 8, lines 34-35); present standing ("results of homework assignments", page 8, line 29 and page 12, lines 8-10) and personalized information ("student name and ID", page 8, line 26). Learning presentations are selected based on these profiles (page 6, line 37 through page 7, line 3) and selected presentations are presented to the users. The presentations themselves can be alternate presentations on the same topic (page 7, lines 29-32). The alternate presentations can be text, illustrations and questions, as well as different lesson lengths.

Claim 17: The information about the learner's curriculum is described at page 8, line 29. This information is the result of homework assignments. These results determine the learner's needs and the curriculum is matched to these needs (page 8, line 36- page 9, line 2).

Claim 19: The student can designate preferences for the preferred teaching strategies (page 9, line 22 and lines 26-31). These preferences can dictate the selection of preferred learning programs.

Claim 20: The present standing of the student (homework results in the form of grades) are obtained in a non-intrusive manner. Namely, the grades are sent electronically to the instructor (page 12, lines 8-10).

Claim 22: The personalized information includes the student name and ID number (Page 8, line 26). This information facilitates learning, since the teacher would be incapable of even communicating with the students without having such information.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (WO 93/16454).

Lee discloses the concept of identifying subject matter that the student is having problems with, and sending a message to the teacher regarding this subject matter (page 12, line 35 through page 13, line 1). However, Lee does not explicitly state that such information is actually recorded in the student profile. It would have been obvious to one of ordinary skill in the art to modify Lee to record such information as a choice of stored data.

Remarks

With respect to the rejection of claims 17-18 under 35 USC 112, first paragraph, the rejection has been withdrawn with respect to claim 17, but maintained with respect to claim 18. The features in question are described as being part of the content of a book by the author Gagne, but are not described as being part of the learner's profile, which is what claim 18 requires.

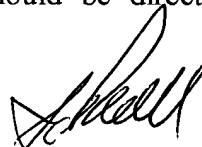
With respect to the application of the reference to Lee, applicant argues that Lee does not disclose the concept of having alternate presentations on the same topic, and selecting one of the alternates based on a learner's profile information. Examiner maintains that Lee discloses both features. Alternate presentation styles for any given topic are described at page 7, lines 29-31. Selection of material based on the learner's profile information is described at page 6, line 37 through page 7, line 3. Further discussion of these features are provided at page 8, lines 1-9.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
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